

Message Text

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TAGS: SHUM, PA

SUBJECT: HUMAN RIGHTS REPORT ON PARAGUAY

1. AS EMBASSY IS AWARE, UNCLASSIFIED HUMAN RIGHTS REPORTS ON INDIVIDUAL COUNTRIES WILL ACCOMPANY THE CONGRESSIONAL PRESENTATION DOCUMENT WHEN IT GOES TO THE HILL SOMETIME EARLY NEXT YEAR. THE EXACT-DATE WILL BE DETERMINED BY THE NEW ADMINISTRATION. PRESENT SCHEDULE CALLS FOR PRINTING OF THE REPORTS ON JANUARY 15.

2. TEXT OF AGREED ARA PAPER ON PARAGUAY IS TRANSMITTED FOR EMBASSY INFORMATION AND ANY COMMENTS. EMBASSY COMMENTS SHOULD BE SLUGGED FOR COUNTRY DESK OFFICER
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GRAHAM.

3. BEGIN TEXT:

"

I. POLITICAL SITUATION

PARAGUAY HAS A HIGHLY CENTRALIZED GOVERNMENT WITH THE OVERWHELMING PREPONDERANCE OF POWER CONCENTRATED IN THE

PRESIDENCY. PRESIDENT STROESSNER HAS GOVERNED FOR 22 YEARS. THE MAJORITY COLORADO PARTY HAS INITIATED IN THE PARAGUAYAN CONGRESS THE LEGAL PROCESS REQUIRED TO AMEND THE CONSTITUTION IN ORDER TO PERMIT PRESIDENT STROESSNER TO SUCCEED HIMSELF. THE OFFICIALLY RECOGNIZED OPPOSITION PARTIES HAVE SHOWN THEMSELVES INCREASINGLY INCLINED TO SPEAK OUT AGAINST THE CONSTITUTIONAL AMENDMENT, AS WELL AS HUMAN RIGHTS ABUSES. THESE CRITICISMS HAVE BEEN AMPLY REFLECTED IN THE PRESS.

II. LEGAL SITUATION

THE PARAGUAYAN CONSTITUTION OF 1967 PROVIDES GUARANTEES FOR A WIDE RANGE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS. HOWEVER, UNDER A STATE OF SIEGE PROVISION PROCLAIMED UNDER ARTICLE 79 OF THE PARAGUAYAN CONSTITUTION, CONSTITUTIONAL AND OTHER LEGAL GUARANTEES SUCH AS FREEDOM OF EXPRESSION, OF ASSEMBLY AND ASSOCIATION, AND GUARANTEES AGAINST ARBITRARY DETENTION AND ARREST AND SEARCH WITHOUT WARRANT ARE SUSPENDED. A STATE OF SIEGE HAS BEEN IN EFFECT CONTINUOUSLY FOR THE PAST 30 YEARS.

THE EXISTENCE OF TERRORIST ACTIVITIES IN NEIGHBORING ARGENTINA AND THE ALLEGED DISCOVERY OF TERRORIST PLOTTING WITHIN PARAGUAY, ARE THE RATIONALE FOR THE CONTINUATION OF THE STATE OF SIEGE. HOWEVER, HIGH GOVERNMENT OFFICIALS, LIMITED OFFICIAL USE

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WHILE INDICATING NATIONAL SECURITY REMAINS ONE OF THEIR CHIEF CONCERNS, HAVE MAINTAINED THAT THE GOVERNMENT WILL BRING TO TRIAL ALL PERSONS ACCUSED OF BEING SUBVERSIVES UNDER BROADLY WORDED ANTI-SUBVERSIVE LAWS. ARRESTS HAVE VIRTUALLY CEASED OVER THE PAST TWO MONTHS. A SUBSTANTIAL NUMBER OF PERSONS ACCUSED OF BEING SUBVERSIVES HAVE RECENTLY BEEN FREED. THE REMAINING DETAINEES, ABOUT 340, HAVE BEEN MOVED TO A NEW PRISON FACILITY WHICH OFFERS BETTER LIVING CONDITIONS. THE PARAGUAYAN GOVERNMENT RELEASED 26 POLITICAL PRISONERS ON NOVEMBER 25, 1976.

III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. INTEGRITY OF THE PERSON

ARTICLE 3: THE PARAGUAYAN CONSTITUTION GUARANTEES THE INVIOABILITY OF LIFE, LIBERTY AND SECURITY OF PERSON.

FOR 30 YEARS THE GOVERNMENT HAS USED STATE OF SIEGE PROVISIONS WITHOUT JUDICIAL RESTRAINT TO DEPRIVE SOME INDIVIDUALS OF LIFE, LIBERTY, AND SECURITY OF PERSON.

ARTICLE 5: ARTICLE 65 OF THE CONSTITUTION PROSCRIBES TORTURE. SOME PRISONERS ARE SUBJECTED BY OFFICIAL AGENCIES TO HARSH TREATMENT.

ARTICLE 8: THE RIGHT TO OBTAIN LEGAL REDRESS FOR VIOLATIONS OF THEIR RIGHTS IS NOT AVAILABLE TO DETAINEES HELD UNDER THE STATE OF SIEGE.

ARTICLE 9: STATE OF SIEGE PROVISIONS PERMIT THE AUTHORITIES TO SUSPEND GUARANTEES AGAINST ARBITRARY ARREST OR DETENTION. SOME PERSONS HAVE BEEN PERMITTED TO GO INTO EXILE. THE GOVERNMENT HAS NOT CONSISTENTLY USED INVOLUNTARY EXILE AS PUNISHMENT AND THIS PRACTICE HAS VIRTUALLY CEASED.
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ARTICLE 10: HEARINGS BY IMPARTIAL TRIBUNALS TO DETERMINE THEIR RIGHTS ARE NOT AVAILABLE TO DETAINEES HELD UNDER STATE OF SIEGE PROVISIONS.

ARTICLE 11: THERE IS NO REQUIREMENT FOR TRIAL FOR PERSONS HELD UNDER STATE OF SIEGE PROVISIONS. HOWEVER, THE PARAGUAYAN GOVERNMENT MAINTAINS IT INTENDS TO MAKE IT A GENERAL POLICY TO BRING TO TRIAL UNDER THE ANTI-SUBVERSIVE LAWS ALL DETAINEES AGAINST WHOM THERE IS SOLID EVIDENCE, AND RELEASE THE REST. LAST YEAR FOR THE FIRST TIME 13 ACCUSED SUBVERSIVES WERE BROUGHT TO TRIAL, BUT THEIR CASES ARE STILL UNDERWAY.

B. OTHER FREEDOMS

PARAGUAY IS LARGELY FREE FROM DISCRIMINATION BASED ON RACE, RELIGION AND SEX. IN GENERAL, PARAGUAYANS ARE FREE TO MOVE WITHIN THE COUNTRY AND TO GO ABROAD, BUT SOME LIMITATIONS MAY BE IMPOSED ON MOVEMENT UNDER STATE OF SIEGE GROUNDS; THE NUMBERS OF INDIVIDUALS AFFECTED HAVE BEEN RELATIVELY SMALL.

PARAGUAYANS HAVE THE RIGHT TO OWN PROPERTY. OFFICIAL GOVERNMENT POLICY SUPPORTS THIS RIGHT.

THE CONSTITUTIONAL GUARANTEE OF FREEDOM OF RELIGION IS RESPECTED IN PARAGUAY.

THE STATE OF SIEGE CONDITIONS THE RIGHTS OF ASSEMBLY

AND ASSOCIATION. THE GOVERNMENT HAS LEGALIZED THREE OF FIVE OR SIX OPPOSITION PARTIES IN PARAGUAY. ALL PARTIES HAVE SHOWN THEMSELVES INCREASINGLY INCLINED TO SPEAK OUT AGAINST HUMAN RIGHTS ABUSES.

UNDER THE STATE OF SIEGE THE GOVERNMENT MAY CENSOR AND LIMITED OFFICIAL USE

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SUPPRESS PUBLICATIONS, BAN PUBLIC MEETINGS AND PERMIT POLICE ENTRY OF PRIVATE PREMISES WITHOUT WARRANT. THERE IS SOME LIMITED REGULATION OF THE PRESS, LARGELY SELF-IMPOSED, ALTHOUGH IT IS FAR FROM CONSISTENT OR COMPLETE. THERE HAS BEEN ACTIVE PUBLIC DEBATE RELATING TO HUMAN RIGHTS, THE AMENDING OF THE CONSTITUTION AND OPEN CRITICISM OF GOVERNMENT POLICIES IN A NUMBER OF AREAS, ALL OF WHICH HAVE BEEN REPORTED FREELY IN THE PRESS. FOR EXAMPLE, THE RECENTLY COMPLETED REPORT ON PARAGUAY BY THE INTERNATIONAL LEAGUE FOR HUMAN RIGHTS IS BEING PUBLISHED BY THE OPPOSITION WEEKLY.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS HAS INVESTIGATED CLAIMS OF GENOCIDE AGAINST THE ACHE INDIANS BY THE PARAGUAYAN GOVERNMENT. A REPORT HAS NOT YET BEEN ISSUED. HOWEVER, THE COMMISSION'S ANNUAL REPORT FOR 1975. NOTED THAT THE COMMISSION PROVISIONALLY ACCEPTS THE PRELIMINARY CONCLUSION THAT THE PARAGUAYAN GOVERNMENT'S POLICY IS NOT ONE OF GENOCIDE OF THE ACHE BUT RATHER A POLICY ORIENTED TOWARD THE ASSIMILATION OF THE INDIANS.

FREEDOM HOUSE LISTS PARAGUAY AS "PARTLY FREE". "

END TEXT.
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